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Docket No. G-085US04CON
Serial No. 09/818,260Remarks

Claims 1, 4, 7, and 40-50 are pending in the subject application. By way of the amendment of this date, claims 1, 4, 7, 40, 41, and 46-50 have been amended and claims 42-45 have been canceled. Therefore, claims 1, 4, 7, 40, 41, and 46-50 are now before the Examiner for consideration. Certain of the claims have been amended for the purpose of expediting the patent application process in a manner consistent with the Patent and Trademark Office Patent Business Goals (PBG), 65 Fed. Reg. 54603 (September 8, 2000), in order to correct antecedent basis issues the claimed subject matter, advance prosecution, and facilitate the business interests of Applicant(s). Support for the amendments to the pending claims can be found throughout the subject specification, including the claims as originally filed and pages 11, 17-23, and 39-44. Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is earnestly solicited.

Applicants gratefully acknowledge the Examiner's withdrawal of the rejections under 35 U.S.C. § 101 and the objection to the specification. Although not specifically acknowledged in the instant Action, Applicants assume that the rejection under 35 U.S.C. § 103(a) set forth in the Office Action dated December 3, 2003 has been withdrawn.

Claim 1 is objected to because of informalities. The Office Action indicates that the term "profiles" is deleted from the claim and that a grammatical misspelling of the phrase "at least two groups" appears. Applicants gratefully acknowledge the Examiner's careful review of the claims. In accordance with the Examiner's suggestion, Applicants have included the word "profiles" in claim 1 which was inadvertently deleted in the prior response and have also replaced the phrase "a least two groups" with "at least two groups." Accordingly, reconsideration and withdrawal of the objection is respectfully requested.

Claims 1, 4, 7, and 40-50 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully assert that there is adequate written description in the subject specification to convey to the ordinarily skilled artisan that they had possession of the claimed invention. However, in order to advance prosecution in this matter, the claims have been

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amended to more closely track language found in the as-filed application. For example, the newly presented amendments to claim 1 find support, for example, in the definitions of “genotype”, “genotyping”, “allele”, and “haplotype” (pages 18-19 of the specification) and at pages 20-23 and Example 2, pages 39-44.

With respect to the issue raised regarding “assigning a binary code to the haplotype” and the holding that this limitation constitutes new matter, Applicants respectfully submit that such a limitation finds support at page 22, lines 23-24 of the as-filed application where it is stated “Accordingly, embodiments of the present invention identify haplotypes using a binary (*e.g.*, two state) code”. Likewise, it is respectfully submitted that the term “module” and phrase “programmed storage device” find support in the as filed specification at page 11, lines 17-33 (providing aspects of the invention related to “a programmed storage device”) and pages 17-18 (discussing “programmed storage devices”, “modules”, and “systems”. However, in the interest of advancing prosecution, the claims have been amended. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

Claims 40-42, 46, and 47 are rejected under 35 U.S.C. § 112, first paragraph, as nonenabled by the subject specification. Applicants respectfully assert that claims 40-42, 46, and 47 are enabled by the subject specification and that the steps recited in the claims did allow for the realization of goal provided in the preamble of the claims. However, Applicants have amended the claims in the interest of advancing prosecution in this matter. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, first paragraph, is respectfully requested.

Claims 1, 4, 7, and 40-50 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully assert that the claims as filed are definite. However, in order to lend greater clarity to the claimed subject matter, Applicants have amended the claims, thereby rendering these issues moot. Applicants also note that claims 42-45 have been canceled rendering the rejection of those claims moot. Accordingly, withdrawal and reconsideration of the rejection under 35 U.S.C. § 112, second paragraph, is respectfully requested.

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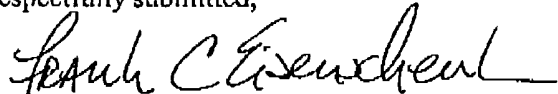
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It should be understood that the amendments presented herein have been made solely to expedite prosecution of the subject application to completion and should not be construed as an indication of Applicants' agreement with or acquiescence in the Examiner's position. Applicants expressly reserve the right to pursue the invention(s) disclosed in the subject application, including any subject matter canceled or not pursued during prosecution of the subject application, in a related application.

In view of the foregoing remarks and the amendments to the claims, Applicants believe that the pending claims are now in condition for allowance, and such action is respectfully requested. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Applicants also invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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